

*State of Missouri*  
Office of  
Child Advocate for  
Children's Protection  
and Services

2005-2006

Annual Report

*State of Missouri*  
*Office of*  
*Child Advocate for Children's*  
*Protection and Services*  
*Annual Report 2005-2006*

*Investigate Complaints*

*Advocate for Abused and Neglected Children*

*Recommend Changes*

*Improve the Child Welfare System*

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State of Missouri  
**Office of Child Advocate  
for Children's Protection and Services**

**Matt Blunt**  
Governor

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**Steve Morrow**  
Child Advocate

October 2006

The Honorable Matt Blunt, Governor of the State of Missouri  
The Honorable Michael A. Wolff, Chief Justice of the Missouri Supreme Court

I am pleased to present the 2005-2006 Annual Report of the Office of Child Advocate for Children's Protection and Services as required in RSMo 37.715.6. The previous report, presented by my predecessor, reflected the time period from September 2004 through August 2005. This report, my first as Child Advocate for the State of Missouri, covers a timeframe ranging from September 2005 through August 2006.

From the beginning of my tenure in 2006, I have committed to being a positive advocate for the children of Missouri. While government cannot be expected to provide exhaustive answers to all the complex and often difficult circumstances of life, I believe citizens should be engaged in a collective effort to protect children. I am grateful for your statewide leadership in helping to sustain this noble effort.

In 2006, the Office of Child Advocate for Children's Protection and Services made a determination to follow this maxim: "In advocating for children, we see faces, not cases." As part of our resolve to effectively serve Missouri families and children, and in our role to help foster accountability within the structure of state government, we will strive to continue operating in that vein.

Thank you for the opportunity to present this report and the privilege of serving our great state.

Respectfully submitted by:

A handwritten signature in black ink that reads "Steve Morrow".

Steve Morrow

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## History

The Office of Child Welfare Ombudsman was established in 2002. The first Ombudsman for the office was appointed in 2003. In 2004, during the 92nd General Assembly, House Bill 1453 was passed and the Child Welfare Reform Bill was signed into law. The statute changed the name of the office to the Office of Child Advocate for Children's Protection and Services. (See Appendix A for statute language.) Steve Morrow was named Missouri Child Advocate in 2006.

## Operation of the Office

### Staff

The Office of Child Advocate for Children's Protection and Services is directed by the Missouri Child Advocate who is appointed by the Governor and Chief Justice of the Supreme Court, with the advice and consent of the Senate. Other staff positions include a Field Operations Investigator, a Central Office Investigator and an Administrative Assistant/Office Manager.

|   |
|---|
| OCA staff:                                    |
| Steve Morrow, Missouri Child Advocate         |
| Courtney Davis, Field Operations Investigator |
| John Steinmeyer, Central Office Investigator  |
| Carolyn Swanigan, Office Manager              |

### Budget

The Office of Child Advocate for Children's Protection and Services is funded through state general revenue funds and federal funds distributed through the Department of Social Services. The 2005-06 core budget appropriation was \$299,361.

## Role of the Office

The Office of Child Advocate for Children's Protection and Services operates as an independent agency within the Office of Administration, providing families/citizens with an avenue through which they can obtain an independent and impartial review of disputed decisions, including actions or inactions of the Department of Social Services/Children's Division.

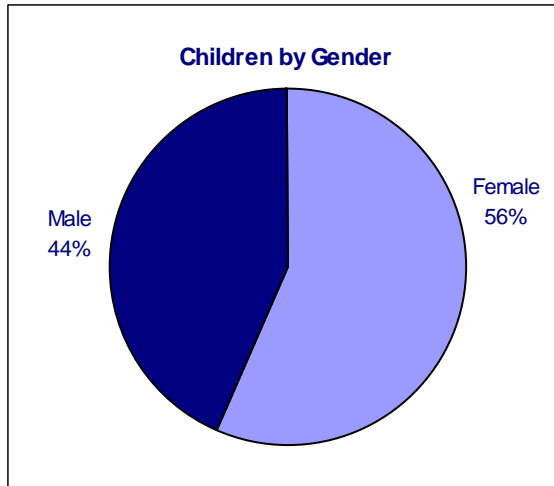
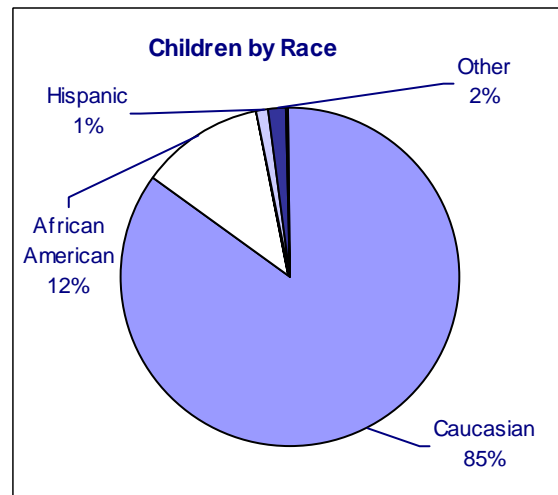
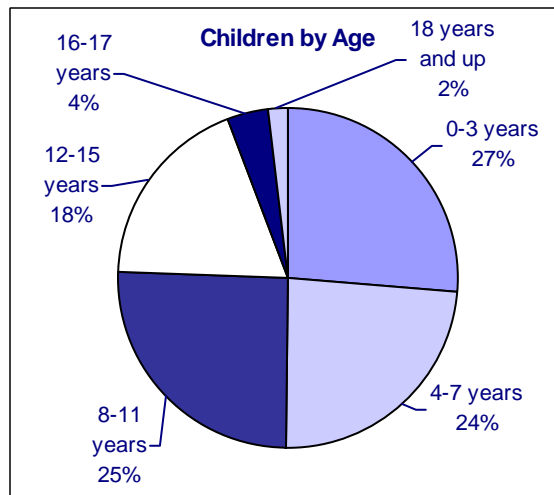
In advocating for children,  
we see faces, not cases.

There are three primary responsibilities of the Office of Child Advocate for Children's Protection and Services: 1) to receive, investigate and act on complaints, offering recommendations as necessary; 2) to educate the public regarding the child welfare process in Missouri, while increasing public awareness of the Office of Child Advocate for Children's Protection and Services; and 3) to provide an annual report to the Governor and Chief Justice, including recommendations for improving the system.

# Receiving, Investigating and Acting on Complaints

## Receiving Complaints

From September 1, 2005 through August 31, 2006, the Office of Child Advocate for Children's Protection and Services received 206 complaints involving 324 children. These numbers compare to 263 complaints involving 452 children during the same time span of the previous year. Since its inception, the Office of Child Advocate for Children's Protection and Services has responded to 786 complaints involving 1,384 children.



In addition to new case numbers, a total of 43 unsubstantiated cases have been referred to the Office of Child Advocate for Children's Protection and Services since the statutory provision for referrals of unsubstantiated cases came into affect in November 2004. During the first 14 months (under the previous Child Advocate) 24 unsubstantiated referrals were received. During the 7 months from mid January 2006 to mid August 2006 (under the current Child Advocate) 19 unsubstantiated

referrals were received, representing a 71% rate of increase. Based on this data, the Office of Child Advocate for Children's Protection and Services envisions an increased workload involving response to referrals of unsubstantiated reports.

The above numbers do not reflect cases that may be reopened due to continuing complaints or subsequent issues involving previously closed case files. Reopened cases typically involve pre-existing files containing information

provided by previous complainants. Time-consuming investigations may be necessary after cases are reopened. It appears proper, therefore, to acknowledge reopened cases in terms of overall workload. From September 2005 through August 2006, 28 case files were reopened in the Office of Child Advocate for Children's Protection and Services.

| 2005—2006<br>Case Load Numbers |                             |
|--------------------------------|-----------------------------|
| 206                            | New cases                   |
| 24                             | Unsubstantiated Referrals   |
| 28                             | Reopened Cases              |
| <b>258</b>                     | <b>Total Caseload Count</b> |

At times, the Office of Child Advocate for Children's Protection and Services is contacted about concerns outside its direct purview. While these inquiries and referrals are not factored into caseload numbers, they require time and effort to help ensure that citizens are properly directed. A total of 239 inquiries and referrals have been documented, including 104 that occurred from September 2005 through August 2006.

Examples include contacts referred to other appropriate state agencies and contacts involving child welfare concerns in other states.

## Investigating Complaints

Upon the receipt of a complaint, the Office of Child Advocate for Children's Protection and Services proceeds to determine the appropriate level of investigation. Possible levels of investigation include:

- 1) No investigation needed
- 2) Gather information and interact as necessary with involved parties
- 3) Request and review the Children's Division case file
- 4) Conduct on-site investigation

## Acting on Complaints

The Office of Child Advocate for Children's Protection and Services strives to complete investigations within a 30 day time period. Extenuating circumstances may occasionally extend the investigation in certain instances. Possible follow-up actions include:

- 1) No policy/procedure violation noted
- 2) Policy/procedure violation documented
- 3) Practice issue identified
- 4) Case recommendations offered for improving services to the child, children or families

## Educating the Public

Per section 37.710.1 RSMo, the Office of Child Advocate for Children's Protection and Services is authorized "to take whatever steps are appropriate to see that persons are made aware of the services of the child advocate's office, its purpose, and how it can be contacted." In 2006, the Office of Child Advocate for Children's Protection and Services began a concerted effort to educate the public regarding the child welfare process in Missouri, while increasing public awareness of the Office of Child Advocate for Children's Protection and Services. This aim has been pursued through three primary means:



- 1) A revised website containing up-to-date information.
- 2) A colorful and informative new brochure that has been distributed to individual citizens and various community service organizations interested in promoting the safety and well-being of Missouri children.
- 3) Public speaking engagements providing opportunities for the Missouri Child Advocate to promote the protection of children in different geographical locations across the state while addressing various groups including high school students, local civic leaders, and members of professional organizations. See map indicating presentation locations.

## Annual Report Recommendations

In addition to offering recommendations relevant to certain cases, the Office of Child Advocate for Children's Protection and Services may submit recommendations for improving the system as part of its annual report. Please see page 13 for recommendations included in the 2005-2006 Annual Report.

## Complaint Types, Sources and Locations

### Types of Complaints (not including unsubstantiated reports)

Complaints to the Office of Child Advocate for Children's Protection and Services generally fall in to three main categories: 1) child safety 2) family separation and reunification, and 3) dependent child health, well-being, and permanency. These categories involve the following issues:



|  |          |
|--|----------|
| Child Safety _____   | 59 calls |
| <ul style="list-style-type: none"> <li>◆ Failure to protect child from parental abuse</li> <li>◆ Failure to address safety concerns involving child in foster care or other substitute care</li> <li>◆ Failure to address safety concerns involving child being returned to parental care</li> <li>◆ Failure to provide appropriate services to child at risk of harming self or others</li> </ul> |          |
| Family Separation and Reunification _____  | 87 calls |
| <ul style="list-style-type: none"> <li>◆ Unnecessary removal of child from parental care</li> <li>◆ Failure to provide appropriate contact between child and family</li> <li>◆ Failure to reunite families despite parental compliance with court-ordered services</li> <li>◆ Failure to place child with relatives</li> <li>◆ Inappropriate termination of parental rights</li> </ul>             |          |
| Dependent Child Health, Well-Being, Permanency _____   | 28 calls |
| <ul style="list-style-type: none"> <li>◆ Inappropriate change of child's foster or other substitute placement</li> <li>◆ Inadequate development or implementation of plan to transition child to new placement</li> <li>◆ Failure to provide child with appropriate services</li> <li>◆ Unreasonable delay or opposition to adoption</li> </ul>  |          |
| Other _____  | 32 calls |

## Sources of Complaints

Most of the complaints received in the Office of Child Advocate for Children's Protection and Services come from biological parents of children in care. The majority of parents call because their children have been placed in the

custody of the state and parents feel that the children should be returned to the parent's home. Grandparents are the second highest source of complaints. These calls usually involve grandparents wanting placement of grandchildren that have been removed from their parent's home or grandparents who are concerned about the safety of their grandchildren living with a parent or other caretaker.

Children are not just our future —  
They are our present.

| Caller Relationship                        | No. | Caller Relationship | No. |
|--|-----|---------------------|-----|
| Biological Parent                          | 95  | Other               | 1   |
| CASA/GAL                                   | 4   | Other Relative      | 30  |
| Child                                      | 2   | Other Relationship  | 9   |
| Community Professional or Service Provider | 10  | Prosecutor's Office | 1   |
| Foster Parent                              | 17  | Public Defender     | 1   |
| Grandparent                                | 33  | Step-Parent         | 2   |
| Legal Guardian                             | 1   | Total:              | 206 |

Foster parents also call the Office of Child Advocate for Children's Protection and Services with concerns regarding their interactions with the Children's Division. While foster parents report being included in Family Support Team (FST) meetings, they sometimes feel that they are not listened to or their input regarding the children is not valued.



# Policy/Procedure Considerations and Practice Issues

Investigations by the Office of Child Advocate for Children's Protection and Services may result in no policy/procedure considerations. Investigations may also reach the conclusion that practice issues are not present in particular cases. In other instances, however, possible policy/procedure considerations and/or practice issues may be perceived. Policy/procedure considerations and practice issues identified by the Office of Child Advocate for Children's Protection and Services from September 2005 through August 2006 include:

- ◆ Failure to contact adoptive parent with sibling upon state custody of another sibling.
- ◆ FST meetings not held per policy. (2)
- ◆ Failure to conclude investigation within 30 day time limit set by the Children's Division. (3)
- ◆ Failure to provide written notification of conclusion to parent/alleged perpetrator within time requirement set by the Children's Division.
- ◆ Untimely response for administrative review.
- ◆ Inaccurate job prerequisite conveyed by worker to potential respite providers.
- ◆ Failure to respond to hotline call within 24 hour time requirement set by the Children's Division.
- ◆ Failure to provide two week written notification of rescheduled FST meetings.
- ◆ Failure to provide written notification (CS-1) of results of two child abuse and neglect investigations involving son.
- ◆ Failure to conduct child abuse and neglect investigation in a timely manner and to send timely follow-up letter.
- ◆ Failure to invite foster parent to FST meeting.
- ◆ Lack of required visits with children in foster home. (2)
- ◆ Adoption specialist not made aware of grievance on file.
- ◆ Failure to provide information to judge regarding second adoption staffing.
- ◆ Failure of guardian ad litem (GAL) to have met with children in placement setting as recommended in statutes.
- ◆ Supervised visits by biological parent called off at last minute.
- ◆ Failure to provide access to relevant information in conjunction with FST meeting.
- ◆ Case record lost in transit from one Children's Division office to another.
- ◆ Reported lack of foster parent training in limited instances.
- ◆ Family name misspelled in database.
- ◆ Disagreement involving county officials and parents over plans to move child from present to new environment.
- ◆ Lack of timely communication with a reporter. (2)
- ◆ Caseworker unable to attend FST meeting and substitute failed to show up—foster parent did not want to meet in their absence.
- ◆ Misconstrued comments by a worker regarding family related information provided to a child.

- ◆ Need for clarification and scrutiny by foster care givers in relation to safety related practice.
- ◆ Children removed for one night and returned for intensive home services—children then placed in foster care within hours of their return to the home due to safety concerns.
- ◆ Permanency for children was not established within a reasonable amount of time.
- ◆ Child diverted to a temporary living environment, involving the presence of problematic circumstances for the child.
- ◆ Service plan was allowed to expire in the absence of a plan to evaluate and consider renewal in a timely fashion.
- ◆ Case failed to immediately identify the name of a child victim due to previous investigation that identified names of a sibling, mutual mother and alleged perpetrator.
- ◆ Inaccurate summarization of conclusions regarding statements made by a child.

## Effectiveness Measurements

The Office of Child Advocate for Children’s Protection and Services has established measurement gauges to help ensure effectiveness in serving Missouri children/families. These include initial response time, time frame for completing new investigations, and time allotment for dealing with unsubstantiated referrals.

| Measurement   | Goal | Met   |
|---|------|-------|
| Contact complainant within 3 business days after complaint received | 90%  | 98.3% |
| Complete investigation within 30 days of receiving complaint        | 80%  | 94%   |
| July 1, 2005—June 30, 2006  |      |       |

A timely initial response is of fundamental importance. A 90% goal has been set to contact the complainant within three business days of any new or reopened complaint.

Depending on the particular circumstances, the time period for actually completing the investigation of a complaint may vary. In 80% of new or reopened cases, the goal of the Office of Child Advocate for Children’s Protection and Services is to complete the investigation within thirty business days of receipt of the complaint. This goal, however, is considered fluid due to other potentially relevant factors. For example, cases involving the court system may be kept open beyond thirty days to sufficiently monitor the court process. In other instances, conducting a complete and thorough investigation may require an extended period of time.

The 90% goal of completing the investigation of an unsubstantiated hotline report within five business days is under review. A new goal is under consideration that, if adopted by the Office of Child Advocate for Children’s Protection and Services, will aim to provide a written response to both the reporter and the Children’s Division within thirty business days of receipt of the referral.

# Recommendations for Improving the System

The Office of Child Advocate for Children's Protection and Services recognizes its responsibility to help strengthen the system by offering recommendations. The following recommendations are, therefore, submitted as part of this annual report:

## I. Initiating Meetings and Having Access to Information

Missouri Statute permits the Office of Child Advocate for Children's Protection and Services to initiate meetings with the Department of Social Services, the Department of Mental Health, and Juvenile Officers. Specified access is also granted by Statute.

### Recommendation:

To help ensure that complaints received by the Office of Child Advocate for Children's Protection and Services are properly addressed, it is recommended that relevant information be provided to the Missouri Child Advocate in advance of any FST meeting initiated by the Missouri Child Advocate. Note: In addition to the county Children's Division Office, sources for relevant information include (but are not limited to) the Juvenile Officer and the Guardian Ad Litem.

## II. Family Support Team Guidelines for Supervised and Unsupervised Parental Visitation

Child custody cases present complex and difficult circumstances for all involved parties. Children are no exception. While legal questions regarding child custody are matters for the courts, the FST may be involved in decisions related to parental visitation, including whether scheduled visitation is supervised or unsupervised.

### Recommendation:

In considering the question of supervised or unsupervised visitation for the parents of children in the custody of the state, it is recommended that, when feasible, the FST exercise consistency with respect to visitation for each parent. Unless otherwise ordered by a judge, and provided the record is the same for each parent (regarding substantiated and unsubstantiated findings), children wishing to see their parents should be afforded that opportunity on an even-handed basis. Note: The safety and well-being of the child should, of course, be taken into account in all FST decisions.

## III. Communication Between the Office of Child Advocate and Children's Division Regional Directors

Effective communication is important in any worthwhile endeavor. It is of particular importance when it comes to protecting the children of Missouri.

### Recommendation:

To help facilitate greater statewide communication, it is recommended that the Director of the Children's Division or the Designated Principal Assistant schedule at least one joint meeting per year involving Regional Directors and the Office of Child Advocate for Children's Protection and Services. The purpose of the meeting would be to discuss policies, procedures, and practices, and to establish open lines of communication.

## IV. Volunteer Child Advocate Advisory Committee

The Office of Child Advocate for Children's Protection and Services operates under the Office of Administration and is, therefore, independent of the Department of Social Services/Children's Division, the Department of Mental Health, and the Juvenile Court. As an independent agency structured within the framework of state government, the Office of Child Advocate for Children's Protection and Services is not opposed to receiving input from private Missouri citizens (provided that the input promotes the protection and well-being of children).

### Recommendation:

In an effort to stay in touch with the prevailing needs of Missouri children, it is recommended that the Volunteer Child Advocate Advisory Committee (VCAAC) be established. It is further recommended that five private Missouri citizens from separate regions of the state be selected by the Child Advocate for two year terms on the VCAAC, and that members include one youth that has aged out of foster care and four parents. The purpose of the VCAAC would be to advise the Child Advocate on current issues and concerns pertaining to children. Any actions taken by the VCAAC would be nonbinding.

## Promising Practices & Developments

The children of Missouri were impacted by a number of positive developments in 2006. The list that follows is not intended as an exhaustive account of promising practices and developments. It is, however, reflective of ongoing efforts to improve the lives of children, including those living in specific environments and children in general. The Office of Child Advocate for Children's Protection and Services is grateful to the persons and organizations responsible for these significant developments:

### I. Missouri's Adoption Heart Gallery

The Heart Gallery project featured photos of Missouri children who are awaiting adoption. The photos were donated by professional photographers who donated their time and talent for photo sessions that depicted the personality and spirit of each child. The program was coordinated by the Adoption Exchange, a private group dedicated to connecting prospective adoptive parents with children who are waiting for homes. The exhibit tour began April 26 in Jefferson City and

included stops in St. Louis, Kansas City and Springfield, concluding October 14 in Joplin. The Office of Child Advocate for Children's Protection and Services is pleased to support the Department of Social Services/Children's Division in acknowledging this fine program. In commenting on the project, Governor Blunt said "Heart Galleries have been successful in other states, and I know we can help Missouri's children through this unique approach to finding them permanent homes."

## II. Visitation Work Group

The Office of Child Advocate for Children's Protection and Services applauds the Children's Division in its formation of a visitation work group to review policies and practices that impact visitation and safety throughout continuum of care. The Office of Child Advocate for Children's Protection and Services agrees that "visits between a parent and child are essential, specifically when the goal is to reunify the child with his/her parents." The Office of Child Advocate for Children's Protection and Services is particularly supportive of the following statements: "Neither parental and/or sibling visits should be cancelled or rescheduled because of unexpected situations with the Children's Service Worker's (CSW's) schedule. When unexpected situations occur within the CSW's schedule, each Circuit/County shall assign another Children's Division (CD) staff person to ensure that the visit is held as scheduled."

## III. Priority Legislation to Protect Children from Sexual Predators

The Office of Child Advocate for Children's Protection and Services appreciates the enactment of House Bill 1698. This legislation, called for and signed into law by Governor Blunt, introduces a host of new tools to strengthen state laws by increasing penalties for sex offenders who prey on children.

## IV. Children in Residential Care

Residential care plays a significant role in providing positive living environments for at-risk children and placement for children who cannot return home. The state has demonstrated an increased commitment to residential care that will result in a brighter future for some of Missouri's most vulnerable children.

## V. Foster Care Advisory Committees

The Office of Child Advocate for Children's Protection and Services wishes to commend Jackson County and Greene County for playing lead roles in establishing special committees designed to provide positive input regarding foster care. The newly formed group in Greene County meets monthly with Springfield's Children's Division in a pro-active effort to better protect children in foster care.

## Acknowledgements

The Office of Child Advocate for Children's Protection and Services wishes to thank Governor Matt Blunt and the General Assembly for their continued support.

Appreciation is expressed to the Office of Administration for providing the Office of Child Advocate for Children's Protection and Services with support, guidance, and administrative structure. We offer our particular thanks to Commissioner Michael Keathley and Mr. Rich AuBuchon.

Both the Office of Child Advocate for Children's Protection and Services and the Department of Social Services/Children's Division endeavor to protect the children of Missouri from abuse and neglect. We, therefore, wish to acknowledge our appreciation to former Department of Social Services Director, Gary Sherman and those who serve in the Children's Division at the county, regional and state levels under the direction of Paula Neese and Celesta Hartgraves.

Finally, a word of appreciation is in order to the citizenry of Missouri for providing support and cooperation in our persistent efforts to protect innocent children.



For his 2006 appointment and Senate confirmation, the Missouri Child Advocate gratefully acknowledges Governor Matt Blunt, Chief Justice Michael Wolff, and the Missouri Senate.



# Appendix A

State of Missouri

## *Missouri Revised Statutes*

### Chapter 37

### Office of Administration

#### **Definitions.**

37.700. As used in sections 37.700 to 37.730, the following terms mean:

- (1) "Office", the office of the child advocate for children's protection and services within the office of administration, which shall include the child advocate and staff;
- (2) "Recipient", any child who is receiving child welfare services from the department of social services or its contractors, or services from the department of mental health.

#### **Office established--appointment of child advocate.**

37.705.

1. There is hereby established within the office of administration the "Office of Child Advocate for Children's Protection and Services", for the purpose of assuring that children receive adequate protection and care from services, programs offered by the department of social services, or the department of mental health, or the juvenile court. The child advocate shall report directly to the commissioner of the office of administration.
2. The office shall be administered by the child advocate, who shall be appointed jointly by the governor and the chief justice of the Missouri supreme court with the advice and consent of the senate. The child advocate shall hold office for a term of six years and shall continue to hold office until a successor has been duly appointed. The advocate shall act independently of the department of social services, the department of mental health, and the juvenile court in the performance of his or her duties. The office of administration shall provide administrative support and staff as deemed necessary.

#### **Access to information--authority of office--confidentiality of information.**

37.710.

1. The office shall have access to the following information:
  - (1) The names and physical location of all children in protective services, treatment, or other programs under the jurisdiction of the children's division, the department of mental health, and the juvenile court;
  - (2) All written reports of child abuse and neglect; and
  - (3) All current records required to be maintained pursuant to chapters 210 and 211, RSMo.
2. The office shall have the authority:
  - (1) To communicate privately by any means possible with any child under

protective services and anyone working with the child, including the family, relatives, courts, employees of the department of social services and the department of mental health, and other persons or entities providing treatment and services;

- (2) To have access, including the right to inspect, copy and subpoena records held by the clerk of the juvenile or family court, juvenile officers, law enforcement agencies, institutions, public or private, and other agencies, or persons with whom a particular child has been either voluntarily or otherwise placed for care, or has received treatment within this state or in another state;
  - (3) To work in conjunction with juvenile officers and guardians ad litem;
  - (4) To file amicus curiae briefs on behalf of the interests of the parent or child;
  - (5) To initiate meetings with the department of social services, the department of mental health, the juvenile court, and juvenile officers;
  - (6) To take whatever steps are appropriate to see that persons are made aware of the services of the child advocate's office, its purpose, and how it can be contacted;
  - (7) To apply for and accept grants, gifts, and bequests of funds from other states, federal, and interstate agencies, and independent authorities, private firms, individuals, and foundations to carry out his or her duties and responsibilities. The funds shall be deposited in a dedicated account established within the office to permit moneys to be expended in accordance with the provisions of the grant or bequest; and
  - (8) Subject to appropriation, to establish as needed local panels on a regional or county basis to adequately and efficiently carry out the functions and duties of the office, and address complaints in a timely manner.
3. For any information obtained from a state agency or entity under sections 37.700 to 37.730, the office of child advocate shall be subject to the same disclosure restrictions and confidentiality requirements that apply to the state agency or entity providing such information to the office of child advocate. For information obtained directly by the office of child advocate under sections 37.700 to 37.730, the office of child advocate shall be subject to the same disclosure restrictions and confidentiality requirements that apply to the children's division regarding information obtained during a child abuse and neglect investigation resulting in an unsubstantiated report.

### **Complaint procedures--annual report, contents.**

37.715.

1. The office shall establish and implement procedures for receiving, processing, responding to, and resolving complaints made by or on behalf of children who are recipients of the services of the departments of social services and mental health, and the juvenile court. Such procedures shall address complaints relating to the actions, inactions, or decisions of providers or their representatives, public or private child welfare agencies, social service agencies, or the courts which may adversely affect the health, safety, welfare, or rights of such recipient.
2. The office shall establish and implement procedures for the handling and, whenever possible, the resolution of complaints.

3. The office shall have the authority to make the necessary inquiries and review relevant information and records as the office deems necessary.
4. The office may recommend to any state or local agency changes in the rules adopted or proposed by such state or local agency which adversely affect or may adversely affect the health, safety, welfare, or civil or human rights of any recipient. The office shall make recommendations on changes to any current policies and procedures. The office shall analyze and monitor the development and implementation of federal, state and local laws, regulations and policies with respect to services in the state and shall recommend to the department, courts, general assembly, and governor changes in such laws, regulations and policies deemed by the office to be appropriate.
5. The office shall inform recipients, their guardians or their families of their rights and entitlements under state and federal laws and regulations through the distribution of educational materials.
6. The office shall annually submit to the governor, the general assembly, and the Missouri supreme court a detailed report on the work of the office of the child advocate for children's protection and services. Such report shall include, but not be limited to, the number of complaints received by the office, the disposition of such complaints, the number of recipients involved in complaints, the state entities named in complaints and whether such complaints were found to be substantiated, and any recommendations for improving the delivery of services to reduce complaints or improving the function of the office of the child advocate for children's protection and services.

**Files may be disclosed at discretion of child advocate, exceptions--privileged information--penalty for disclosure of confidential material.**

37.725.

1. Any files maintained by the advocate program shall be disclosed only at the discretion of the child advocate; except that the identity of any complainant or recipient shall not be disclosed by the office unless:
  - (1) The complainant or recipient, or the complainant's or recipient's legal representative, consents in writing to such disclosure; or
  - (2) Such disclosure is required by court order.
2. Any statement or communication made by the office relevant to a complaint received by, proceedings before, or activities of the office and any complaint or information made or provided in good faith by any person shall be absolutely privileged and such person shall be immune from suit.
3. Any representative of the office conducting or participating in any examination of a complaint who knowingly and willfully discloses to any person other than the office, or those persons authorized by the office to receive it, the name of any witness examined or any information obtained or given during such examination is guilty of a class A misdemeanor. However, the office conducting or participating in any examination of a complaint shall disclose the final result of the examination with the consent of the recipient.
4. The office shall not be required to testify in any court with respect to matters held to be confidential in this section except as the court may deem necessary to

enforce the provisions of sections 37.700 to 37.730, or where otherwise required by court order.

**Immunity from liability, when.**

37.730.

1. Any employee or an unpaid volunteer of the office shall be treated as a representative of the office. No representative of the office shall be held liable for good faith performance of his or her official duties under the provisions of sections 37.700 to 37.730 and such representative shall be immune from suit for the good faith performance of such duties. Every representative of the office shall be considered a state employee under section 105.711, RSMo.
2. No reprisal or retaliatory action shall be taken against any recipient or employee of the departments or courts for any communication made or information given to the office. Any person who knowingly or willfully violates the provisions of this subsection is guilty of a class A misdemeanor.

(L. 2004 H.B. 1453)

# Appendix B

## Committees and Conferences

State Child Fatality Review Panel

Missouri Task Force on Children's Justice

Child Abuse Round Table Coalition

Presenter at:

St. Louis County Juvenile Justice Association Fall Conference

Midwest Foster Care and Adoption Association 2006 Annual Conference

Court Appointed Special Advocate (CASA) 2006 Fall Conference

# Appendix C

## Outline for Speaking Engagements

- I. The Office of Child Advocate for Children's Protection and Services
  - A. Operates under the Office of Administration
  - B. Operates independent of the Department of Social Services/Children's Division, the Department of Mental Health, and the Juvenile Court.
  - C. Operates with a three-fold charge
    1. To receive, investigate and act on complaints
    2. To educate the public regarding the child welfare process in Missouri
    3. To provide annual report to the Governor and Chief Justice, including recommendations for improving the system
- II. The Need for Public Awareness
  - A. Regarding examples of child abuse
  - B. Regarding examples of child neglect
- III. The Challenge
  - A. To see "faces, not cases"
  - B. To seek common ground in the noble cause of protecting children